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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/494,940 | 02/01/2000 | Yoshihiro Hara | 024055-088 | 4143 |
| 21839 | 7590 | 10/06/2004 | EXAMINER | |
| BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | | VILLECCO, JOHN M |
| | | ART UNIT | | PAPER NUMBER |
| | | 2612 | | |

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/494,940 | HARA ET AL. |
| | Examiner | Art Unit |
| | John M. Villecco | 2612 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4,5,18-20 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4,5 and 28-30 is/are allowed.
- 6) Claim(s) 18-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION II

Response to Arguments

1. Applicant's arguments filed June 17, 2004 have been fully considered but they are not persuasive.
2. Regarding *claim 18*, applicant has rewritten the claim to incorporate the base claim (claim 1) and each of the intervening claims from which claim 18 depends. Applicant argues that Nakagawa fails to disclose that the compression ratio is set based on the *automatically* determined number of phototaking operations. It appears that the applicant is pointing out the fact the compression ratio in Nakagawa is not automatically set based on the number of phototaking operations. It is set based on the number of phototaking operations manually entered by the user. However, when taken as a whole, Kodama teaches that the number of phototaking operations is automatically set based on the amount of detected handshake and exposure time. Nakagawa teaches the ability to automatically set a compression ratio based on the number of phototaking operations. Therefore, Nakagawa is merely used to show that it is well known in the art to adjust the compression ration based on the number of phototaking operations. One of ordinary skill in the art could easily make the connection of setting the compression ratio, as in Nakagawa, based on the automatically determined number of phototaking operations disclosed in Kodama. Thus, the combination of Kodama and Nakagawa does teach setting a compression ratio based upon the automatically determined number of phototaking operations.

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3. As for *claim 19*, applicant argues that the combination of Kodama and Nakagawa fail to explicitly disclose that image data except a standard image data are compressed and stored in the memory. However, the phrase “image data except and standard image data” is extremely broad. In this case standard image data is interpreted to be the final composited image data. Kodama discloses that each individual image is first stored in the memory (5) and then the memory is accessed to determine the amount of blur using the blur detecting means (6). See paragraph 0013. Once the image is composited it is permanently stored in the external memory (20). See paragraph 0036. Therefore, each individual image before blur detection is interpreted to be the image data except standard image data.

4. For the reasons stated above the rejections for claims 18-20 from the previous office action will be repeated below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodama (Japanese Publ. No. 09-261526 A) in view of Nakagawa (U.S. Patent No. 5,335,016).**

7. Regarding *claim 19*, Kodama discloses a camera system for memorizing a plurality of image data which includes a memory region (5) for memorizing data. Kodama determines a

number of images to be captured and stored each of the images in the memory region (5). The phrase “image data except and standard image data” is extremely broad. In this case standard image data is interpreted to be the final composited image data. Kodama discloses that each individual image is first stored in the memory (5) and then the memory is accessed to determine the amount of blur using the blur detecting means (6). See paragraph 0013. Once the image is composited it is permanently stored in the external memory (20). See paragraph 0036. Therefore, each individual image before blur detection is interpreted to be “the image data except standard image data”.

Kodama, however, fails to explicitly disclose a controller for compressing image data into the memory, wherein the controller selects a compression ratio corresponding to a condition when the image data are taken. Nakagawa, on the other hand, discloses that it is well known in the art to set a compression ratio based on the number of images set. This allows more efficient use of the memory. Therefore, it would have been obvious to one of ordinary skill in the art to adjust the compression ratio of Kodama based on the number of images taken so that the memory usage is optimized. See column 17, line 67 to column 18, line 6.

8. As for *claim 20*, Nakagawa discloses that the compression ratio is adjusted based upon the number of image-taking operations.

9. **Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamura et al. (U.S. Publ. No. 2003/0133021) in view of Kodama (Japanese Publ. No. 09-261526 A) and further in view of Ohta et al. (U.S. Patent No. 5,689,611) and Nakagawa (U.S. Patent No. 5,335,016).**

Regarding *claim 18*, Hamamura discloses a CCD (103) for taking an image, a luminance sensor (12) for sensing the luminance of the object, and an underexposure unit (212) for judging whether a proper exposure time is longer than a predetermined exposure time. The exposure time setting unit (211) sets an exposure time of the CCD. When the underexposure determining unit determines that the suitable exposure time is greater than a hand vibration time limit, the camera adjusts the gain to accommodate. See paragraphs 29-31.

Hamamura, however, fails to disclose that instead of changing the gain after the exposure exceeds a hand vibration time limit, a plurality of images are taken to accommodate for the hand shake. Kodama, on the other hand discloses that it is well known in the art to take multiple exposures of the same scene based on the amount of handshake and whether or not the calculated exposure time exceeds a handshake time limit. It is well known that increasing the gain of a system can increase the noise in the image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to capture multiple images and combine them to form a high quality image instead of increasing the gain so that an image that is free of increased noise is produced. See paragraphs 13 and 17-26. Additionally, Kodama teaches that the plurality of image data of the same object are composited for forming a single image. See paragraph 15. Furthermore, Kodama discloses the ability to determine the amount of blurring and then aligning each of the images after determining how much the images are offset from each other. The process of determining the offset of the images before combining is interpreted to be data correction. See Figure 4.

Furthermore, neither of the aforementioned references discloses that the image data and data corresponding to the image are stored and then composited after completing all of the image

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taking operations. Ohta, on the other hand, discloses that it is well known in the art to store both the images and the motion vector data to be used in reproduction at a later time. In this case, the later time would be after the completion of all of the image taking operations. Clearly, when both of the image data and the other data are stored separately without using the other data in processing the image, the processing time can be reduced for image pickup. See column 9, line 64 to column 11, line 12. Although used for generating panoramic images it would have been obvious to implement this system in a shake correcting camera so processing time could be reduced. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to complete the photographing of the images and the collection of data corresponding to the image before compositing so that processing time in the image capture routine can be reduced and the production of the composite image can be performed at a later time.

Finally, none of the aforementioned references discloses that the images are compressed before storing them in memory. Nakagawa, on the other hand, discloses that it is well known in the art to compress images before storing them in memory. This allows more efficient use of the memory. Therefore, it would have been obvious to one of ordinary skill in the art to compress the images before storing them so that memory is conserved. See column 17, line 67 to column 18, line 6. Additionally, Nakagawa discloses that it is well known in the art to set a compression ratio based on the number of images set. This allows more efficient use of the memory. Therefore, it would have been obvious to one of ordinary skill in the art to adjust the compression ratio of Kodama based on the number of images taken so that the memory usage is optimized. See column 17, line 67 to column 18, line 6.

Allowable Subject Matter

10. Claims 4, 5, 28, 29, and 30 are allowed.

11. The following is an examiner's statement of reasons for allowance:

Regarding *claims 4 and 5*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest the method of calculating the control exposure time and the number of image taking operations.

As for *claim 28*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest that the correcting of the image shake around the two axes perpendicular to the optical axis are executed by a software process and the rotating of the image data around the optical axis is performed by a hardware process.

With regard to *claim 29*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest that the rotation shakes are corrected by affine conversion at the same time.

Regarding *claim 30*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest that the region from which the image data are read out is gradually enlarged corresponding to the increase of the number of image taking operations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

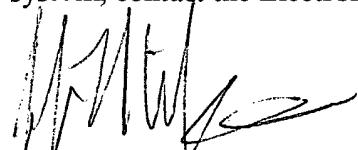
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
September 30, 2004



Wendy R. Garber
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